

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MAY  
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

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**WRIT PETITION NO: 10855 of 2005**

Between:

Dega Janardhan Reddy, S/o Pitchi Reddy, R/o.D.No.27/2/152, Balajinagar, Nellore.

**.... PETITIONER**

AND

The Commissioner, Nellore Municipal Corporation, Nellore.

**...RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order, writ or direction more particularly a writ of Mandamus under Article 226 of Constitution of India, declaring the action of the respondent in seeking to demolish the building of the petitioner bearing Door No.17/85, Trunk Road, Nellore without issuing any notice and without following any procedure under any of the statutes as illegal, arbitrary, unjust and violative of Articles 14, 19(1)(g) 21 and 300-A of Constitution of India and consequently direct the respondent not to demolish nor interfere with the possession and enjoyment of the building of the petitioner.

**Counsel for the Petitioner: MR.P.SRIDHAR REDDY**

**Counsel for the Respondent: MR.S.NAGESWARA RAO**

**The Court at the admission stage made the following:**

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**ORDER:**

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This writ petition is filed apprehending that the employees of the respondent/Municipality would interfere with the petitioner's possession and enjoyment of his property, a two storied building at Trunk Road, Nellore, without following due process of law. It is asserted in para 5 that on 30.4.2005, the subordinates of the respondent came down and made a marking on the petitioner's building and threatened to dispossess the petitioner and demolish the building.

2. Heard learned counsel for the petitioner and the learned Standing counsel for respondent.

3. It is stated by the learned Standing Counsel that no proceedings have been taken for demolition of the petitioner's premises and that a road-widening programme is on the anvil.

4. In the aforesaid circumstances, the writ petition is disposed of directing the respondent not to dispossess the petitioner or take any steps for demolition of the building, without either a notice of eviction or acquisition or any formal proceedings in support of the action proposed by the respondent. No costs.

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**GODA RAGHURAM, J**

Date:10-05-20005

**Ccm/Rar**

To:

- 1 The Commissioner, Nellore Municipal Corporation, Nellore.
2. Two CD copies.